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10/652,253	09/02/2003	Jonas Hafren	060279.00061	1859

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EXAMINER	
PHUONG, DAI	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/652,253	HAFREN, JONAS	
	Examiner	Art Unit	
	DAI A. PHUONG	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34 and 36-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13, 15-34, 36 and 38-47* is/are rejected.

7)☒ Claim(s) *14 and 37* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Argument

1. Applicant's arguments, filed 05/23/2008, with respect to claims have been considered but are found persuasive, therefore the previous rejection withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6, 16-17, 19-28, 33, 39-40 and 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barde et al. (Pub. No.: 20040268400) in view of Myatt et al. (Pub. No.: 20030101135).

Regarding claim 1, Barde et al. disclose a method comprising:

establishing a mobile packet data connection for a subscriber (fig. 1, [0029]);

establishing, over said established mobile packet data connection, a streaming connection comprising a continuous media stream configured for real-time playback between said subscriber and a streaming source (fig. 1, [0029] and [0033]).

However, Barde et al. do not disclose terminating the streaming connection between said subscriber and said streaming source; measuring a duration of said continuous media stream; and

charging said streaming connection based on said measured duration of said continuous media stream.

In an analogous art, Myatt et al. disclose terminating the streaming connection between said subscriber and said streaming source; measuring a duration of said continuous media stream; and charging said streaming connection based on said measured duration of said continuous media stream ([0030] to [0033]. It is obvious that the system is able to detect or identify a start and end of the contend download in order to charge against the customer's account).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Barde et al. by specifically including terminating the streaming connection between said subscriber and said streaming source; measuring a duration of said continuous media stream; and charging said streaming connection based on said measured duration of said continuous media stream, as taught by Myatt et al., the motivation being in order to calculate a reservation amount based on the event data and determine a service unit or data based on reservation amount.

Regarding claim 2, the combination of Barde et al. and Myatt et al. disclose all the limitations in claim 1. Further, Myatt et al. disclose the method wherein said charging further comprises: generating charging information based on the said duration ([0030] to [0033]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Barde et al. by specifically including generating charging information based on the said duration, as taught by Myatt et al., the motivation being in order to

calculate a reservation amount based on the event data and determine a service unit or data based on reservation amount.

Regarding claim 3, the combination of Barde et al. and Myatt et al. disclose all the limitations in claim 1. Further, Myatt et al. disclose the method wherein said step of measuring said duration of said continuous media stream further comprises: identifying a start and an end of said continuous media stream based on a change of a state of said continuous media stream (fig. 1, [0030] to [0044]).

Regarding claim 4, the combination of Barde et al. and Myatt et al. disclose all the limitations in claim 1. Further, Myatt et al. disclose the method wherein said step of measuring the duration of said continuous media stream further comprises: recognizing a start of said continuous media stream (fig. 1, [0030] to [0044]); starting a timer for measuring the length of said continuous media stream (fig. 1, [0030] to [0044]); recognizing an end of said continuous media stream (fig. 1, [0030] to [0044]); stopping said timer for measuring the duration of said continuous media stream (fig. 1, [0030] to [0044]); and obtaining the length of said continuous media stream from said time (fig. 1, [0030] to [0044]).

Regarding claim 6, the combination of Barde et al. and Myatt et al. disclose all the limitations in claim 1. Further, Myatt et al. disclose the method wherein said recognizing the end of said continuous media stream further comprises the recognizing a streaming protocol teardown message and signaling said end of said continuous media stream (fig. 1, [0030] to [0044]).

Regarding claim 16, the combination of Barde et al. and Myatt et al. disclose all the limitations in claim 1. Further, Myatt et al. disclose the method wherein the method further comprising: checking whether said duration based charging can be used for said subscriber for continuous media stream (fig. 1, [0030] to [0044]).

Regarding claim 17, the combination of Barde et al. and Myatt et al. disclose all the limitations in claim 1. Further, Myatt et al. disclose the method wherein the method further comprising: checking whether said duration based charging can be used for said subscriber for said continuous media (fig. 1, [0030] to [0044]).

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 18.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 18.

Regarding claim 21, the combination of Barde et al. and Myatt et al. disclose all the limitations in claim 1. Further, Myatt et al. disclose the method wherein the method further comprising: storing said duration of said continuous media stream in one or several charging records (fig. 1, [0030] to [0044]).

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 21.

Regarding claim 23, the combination of Barde et al. and Myatt et al. disclose all the limitations in claim 1. Further, Myatt et al. disclose the method further comprising: generating a charging record comprising said duration of said continuous media stream in relation to said subscriber (fig. 1, [0030] to [0044]).

Regarding claim 24, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 25, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 33, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 39, this claim is rejected for the same reason as set forth in claim 16.

Regarding claim 40, this claim is rejected for the same reason as set forth in claim 17.

Regarding claim 42, this claim is rejected for the same reason as set forth in claim 19.

Regarding claim 43, this claim is rejected for the same reason as set forth in claim 20.

Regarding claim 44, this claim is rejected for the same reason as set forth in claim 21.

Regarding claim 45, this claim is rejected for the same reason as set forth in claim 22.

Regarding claim 46, this claim is rejected for the same reason as set forth in claim 23.

Regarding claim 47, this claim is rejected for the same reason as set forth in claim 1.

3. Claims 7-8 and 10 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barde et al. (Pub. No.: 20040268400) in view of Myatt et al. (Pub. No.: 20030101135) and further in view of Kinno et al. (Pub. No: 20030154217).

Regarding claim 7, the combination of Barde et al. and Myatt et al. disclose all the limitations in claim 1. However, the combination of Barde et al. and Myatt et al. do not disclose generating time stamps based on messages sent by said subscriber, and based on said time stamps, calculating said duration of said continuous media stream.

In the same field of endeavor, Kinno et al. generating time stamps based on messages sent by said subscriber, and based on said time stamps, calculating said duration of said continuous media stream ([0009] to [0016]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Barde et al. by specifically including generating time stamps based on messages sent by said subscriber, and based on said time stamps, calculating said duration of said continuous media stream, as taught by Kinno et al., the motivation being in order to control the media and delivery information more accurate.

Regarding claim 8, the combination of Barde et al. and Myatt et al. and Kinno et al. disclose all the limitations in claim 7. Further, Kinno et al. disclose the method wherein the method further comprises: recognizing a start of said continuous media stream ([0009] to [0016]); creating a first time stamp indicating a start time of said continuous media stream ([0009] to [0016]); recognizing an end of said continuous media stream; creating a second time stamp indicating the end of said continuous media stream ([0009] to [0016]); and calculating said length of said continuous media stream based on said first and said second time stamps ([0009] to [0016]).

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 31, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 32, this claim is rejected for the same reason as set forth in claim 10.

4. Claims 11-13, 15, 18, 34, 36, 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barde et al. (Pub. No.: 20040268400) in view of Myatt et al. (Pub. No.: 20030101135) and further in view of Masuda (Pub. No: 20030078031).

Regarding claim 11, the combination of Barde et al. and Myatt et al. disclose all the limitations in claim 1. However, the combination of Barde et al. and Myatt et al. do not disclose the method wherein said measuring the duration of said continuous media stream further comprises a step of: identifying a temporary stop of said continuous media stream based on a change of a state of said continuous media stream.

In the same field of endeavor, Masuda identifying a temporary stop of said continuous media stream based on a change of a state of said continuous media stream ([0110] to [0130]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Barde et al. by specifically identifying a temporary stop of said continuous media stream based on a change of a state of said continuous media stream, as taught by Masuda, the motivation being in order to delivery packets without the need to again retrieve the packets.

Regarding claim 12, the combination of Barde et al. and Myatt et al. and Masuda disclose all the limitations in claim 11. Further, Masuda discloses the method wherein said identifying a temporary stop of said continuous media stream is based on identifying a temporary stop ([0110] to [0130]).

Regarding claim 13, the combination of Liu et al. and Masuda disclose all the limitations in claim 11. Further, Masuda discloses the method wherein said identifying a streaming protocol said temporary stop of said continuous media stream ([0110] to [0130]).

Regarding claim 15, the combination of Barde et al. and Myatt et al. disclose all the limitations in claim 4. However, the combination of Barde et al. and Myatt et al. do not disclose the method wherein the method further comprising: checking whether a continuous media stream for the subscriber can be established.

In the same field of endeavor, Masuda discloses the method wherein the method further comprising: checking whether a continuous media stream for the subscriber can be established ([0110] to [0130]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Barde et al. by specifically the method wherein the method further comprising: checking whether a continuous media stream for the subscriber can be established, as taught by Masuda, the motivation being in order to delivery packets without the need to again retrieve the packets.

Regarding claim 18, the combination of Barde et al. and Myatt et al. and Masuda disclose all the limitations in claim 15. Further, Myatt et al. disclose the method wherein said checking is performed based on at least one of a Mobile Subscriber International Mobile Station Identifier number, an International Mobile Subscriber Identity number, a client number, an identifier number, and a subscriber identifier (fig. 1, [0023]).

Regarding claim 34, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 36, this claim is rejected for the same reason as set forth in claim 13.

Regarding claim 38, this claim is rejected for the same reason as set forth in claim 15.

Regarding claim 41, this claim is rejected for the same reason as set forth in claim 18.

5. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barde et al. (Pub. No.: 20040268400) in view of Myatt et al. (Pub. No.: 20030101135) and further in view of Cox et al. (Pub. No: 20030216145).

Regarding claim 5, the combination of Barde et al. and Myatt et al. disclose all the limitation in claim 4. However, the combination of Barde et al. and Myatt et al. do not disclose the method wherein said recognizing said start further comprises recognizing a streaming protocol play message signaling said start of said continuous media stream.

In an analogous art, Cox et al. disclose the method wherein said recognizing said start further comprises recognizing a streaming protocol play message signaling said start of said continuous media stream ([0056] and [0062])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Barde et al. by specifically including disclose the method wherein said recognizing said start further comprises recognizing a streaming protocol play message signaling said start of said continuous media stream, as taught by Cox et al., the motivation being in order to provide low cost; and also provide the wireless carrier useful information about its customers' calling patterns, which may affect decisions relating to system expansion.

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 5.

Allowable Subject Matter

6. Claims 14 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 14, the prior art record does not disclose nor fairly suggest the method wherein said measuring the duration of said continuous media stream further comprises the steps of: sending temporary stop information about a temporary stop of said continuous media stream; based on said temporary stop information, halting temporarily the measuring of said length of said continuous media stream; sending restart information about a restart of said continuous media stream; based on said restart information, restarting the measuring of said duration of said continuous media stream; and measuring the duration of said continuous media stream based on said temporarily halting and restarting of the measuring of said duration of said continuous media stream.

Regarding claim 37, the prior art record does not disclose nor fairly suggest mobile packet radio system, wherein said measurement unit is configured to indicate a temporary break of said duration of said continuous media stream in response to temporary stop information about said temporary stop, to continue the measurement of said duration of said continuous media stream in response to restart information about a restart, and to measure the duration of said continuous media stream based on said indication of the temporary break and said restart of the measurement of the duration of said media stream.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAI A. PHUONG whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dai A Phuong/
Examiner, Art Unit 2617
Date: 11/26/2008

/Alexander Eisen/

Supervisory Patent Examiner, Art Unit 2617